



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Hoisting Machine Operators Advisory Board
830 Punchbowl Street
Honolulu, Hawaii 96814
PH: (808) 521-3019 Fax: (808) 585-0422

Board Members
Allan Parker, Chair
Roy Akamine
Ernest Balatincz
Ralph Cushnie
Tom Vendetta

Lora Contreras,
Executive Director

Approved October 18, 2005

Hoisting Machine Operator's Advisory Board Minutes
Tuesday, September 20, 2005
1:00 p.m.
Department of Labor & Industrial Relations Office
HIOSH Training Room
830 Punchbowl Street #425
Honolulu, Hawaii 96814

Members in Attendance: Allan Parker, Roy Akamine, Tom Vendetta, Ralph Cushnie and Ernest Balatincz.

Guests: Staff Lora Contreras.

Call to order: Quorum was met. The meeting was called to order by Chair Parker at 1:05 p.m.

Minutes of August 9, 2005, were amended as follows: Amend the sentence "The board unanimously agreed to recommend an interim enforcement and a citation process to Mr. Befitel....to...The board unanimously agreed to recommend an interim notification process without enforcement implication to Mr. Befitel."

Roy Akamine moved, seconded by Tom Vendetta to approve the minutes as amended.

Motion approved unanimously.

Community Concerns: None

Director's Report: No crane accidents had been reported. The amendment is still pending approval from the AG. Discussions continued regarding the penalties amendment. Mr. Befitel was not able to attend the meeting to update the board.

Lora Contreras received verbal communication from Mr. James Hardway that the board is authorized to initiate and send written communication to any complaint received from the public on non compliance crane operators. The board agreed to request written documentation from the Director on providing this public service to advise any non compliance company or crane operator.

The letter will recommended the process of handling incoming complaints by certified mail. Hence the board will begin compiling a list of employers allegedly using non-certified crane operators. A draft "letter of notice" to be used immediately will accompany the recommendation. When the enforcement rules with a penalty become effective, the board will expect HIOSH to follow up with non-compliant employers. Another invitation for Mr. Befitel to attend the next board meeting will be sent.

New Business: Tower Cranes Certification

Discussions continued regarding certifying tower crane operators. Chair Parker checked with other certified tower crane operator's certification and a pattern for testing was not substantial for future use. Mr. Danny Nelson from Local 3 Union will be requested to attend the next meeting for further discussions.

Roy Akamine noted that HIOSH adopting the federal process on certification may be implemented before administrative rules are approved.

Special Certificate Extension – Tabled for future discussions.

Unfinished Business: Amendment for Tower Cranes
Discussion will continue at 10/18/05 board meeting.

Executive Session: None

Correspondence: 1. Clayton Winger Comments

-12-48-5 (e) Clarification – Mr. Benjamin Pila from City & County and Mr. Melvin Hipolito from Maui Pineapple both inquired with the board on clarification of admin rules section 12-48-5 (e) on "persons performing maintenance". After much discussion the board unanimously agreed to amend the rules to insert the word "crane" and the sentence will then read ..."persons performing crane maintenance or inspection work."

Chair Parker also noted that the compliance officer will be determining at the site whether the operator is in compliance of construction or maintenance per the rules.

2. Copy of Letter to Mr. Befitel from Chair Parker dated August 25, 2005 re: Interim HIOSH response to allegations of the operation of mobile cranes in construction activities by non-certified operators.

Announcements: Next board meeting Tuesday, October 18, 1:00 pm.

Adjournment: Chair Parker adjourned the meeting at 2:15 p.m.

HAND-OUTS:

1. Clayton Winger comments on Administrative Rules Section 12-48-5 (e).
2. SB 222, Act 222, SB 2338, Act 165, HB 1675, Act 347.